REMARKS

Claims 1-23, 25 and 26 are pending. Applicants have amended the claims to replace the term "substrates" with dosage form to provide continuity throughout. The claims are further amended to positively recite the presence of dosage forms in the transfer device. No new matter has been added.

The Examiner rejects claims 3, 4, 6, 9, 14 and 15 under 35 U.S.C. 112(2) as being indefinite for failing to particularly point out and distinctly claim the intended subject matter. The Examiner objects to the reference to "substrates" when the prior claims referred to "dosage forms". Claims 3, 6, 10, 14 and 19 have been amended to address this rejection.

The Examiner objects to the drawings for failing to disclose every feature of the invention specified in the claims. The Examiner objects to the reference to first and second substrates which are used in the claims. Applicants adopted the Examiner's suggestion to replace "substrate" with dosage forms. To the extent the claims are directed to dosage forms in a transfer device, the insertion of a dosage form from one operation module to the transfer device is shown in Figures 72 and 73. First and second dosage form are shown in a transfer device in Figure 75. Applicants submit that all of the claimed features are adequately disclosed and described in the original figures and supporting specification. For this reason, Applicants request that the Examiner reconsider and withdraw his objection to the drawings.

Claims 1, 10, 12, 19 and 21 are independent claims of record. Applicants note that claims 21-23, 25 and 26 appear, other than the obviousness-type double patenting, to be in condition for allowance.

The Examiner rejects claims 1 and 6 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,563,170 ("Cvacho"). Applicants respectfully traverse this rejection.

Claim 1 is directed to an apparatus for transferring dosage forms containing a medicament from a first location to a second location, comprising: a) a flexible conveying

means; b) a plurality of transfer units mounted to said conveying means, said transfer units having at least one retainer that frictionally engages at least one of said dosage forms inserted therein; c) a cam track defining a path between said first and second locations; and d) means for driving said conveying means along said cam track. Claim 1 has been amended to provide that the retainer frictionally engages a dosage form that has been inserted therein. In other words, the claims positively recite the dosage form and insertion of such dosage form into the retainer. Claim 6, which depends from claim 1, incorporates the requirement for a vacuum means for applying a vacuum on the dosage forms in the transfer units. None of these features are taught or suggested by Cvacho.

Cvacho discloses a machine for marking the exterior surfaces of cylindrical containers as opposed to dosage forms. Further, Cvacho fails to disclose or suggest any means for inserting dosage forms into a retainer such that the dosage forms are frictionally engaged therein. Cvacho describes the use of a vacuum as means for retaining the cans on the transfer device. See column 10, lines 15-24. Cvacho does not contemplate using both a frictional engagement and vacuum means acting upon a dosage form. Applicants request that the Examiner reconsider and withdraw his obviousness rejection of claims 1 and 6 in view of Cvacho.

The Examiner rejects claims 1, 2, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,330,400 ("Alexander"). Applicants respectfully traverse this rejection.

Claim 1 is directed to an apparatus for transferring dosage forms containing a medicament from a first location to a second location, comprising: a) a flexible conveying means; b) a plurality of transfer units mounted to said conveying means, said transfer units having at least one retainer that **frictionally engages at least one of said dosage forms inserted therein**; c) a cam track defining a path between said first and second locations; and d) means for driving said conveying means along said cam track. Claim 1 has been amended to provide that the retainer frictionally engages a dosage form that has been inserted therein.

Claim 10 is directed to an apparatus for transferring dosage forms from a first operating module having a first rotor adapted to carry said dosage forms around a first circular horizontal path to a second operating module having a second rotor adapted to carry said dosage forms around a second circular horizontal path. The apparatus comprises a flexible conveying means traversing a third path, a first portion of said third path being coincident with a portion of the arc of said first circular path and a second portion of said third path being coincident with a portion of the arc of said second circular path and a plurality of transfer units mounted to said conveying means, said transfer units having at least one retainer that **frictionally engages at least one of said dosage form inserted therein**.

Claim 12 is directed to an apparatus for transferring dosage forms containing a medicament from a first location to a second location having a plurality of transfer units that at least two retaining units such that the transfer units can hold **at least two dosage forms**.

Claim 19 is directed to an apparatus for transferring dosage forms from a first location to a second location, comprising: a) a flexible conveying means; b) a plurality of transfer units mounted to said flexible conveying means, said transfer units having at least one retainer that **frictionally engages at least one of said dosage form** inserted therein; c) a cam track defining a path between said first and second locations.

Alexander is directed to a device for transferring cylindrical containers, though it fails to follow the arc path of more than one operating module. Alexander does not disclose or suggest inserting a dosage form into the transfer units as required by claims 1, 10 and 19. Alexander does not disclose or suggest transfer units having at least two retaining units such that each transfer unit can hold at least two dosage forms as required by claim 12. Applicants request that the Examiner reconsider and withdraw his anticipation rejection of claims 1, 2, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, and 20 in view of Alexander.

The Examiner rejects claims 1-5, 7 and 9-20 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,234,300 ("De Vos"). Applicants respectfully traverse these rejections.

The device De Vos employs moveable grippers to clamp onto fruit. The prior art does not disclose or suggest retainer units having dosage forms retained by a frictional fit upon insertion of a dosage form as provided in claims 1, 10, 19 and their dependent claims Further, the device in De Vos does not provide for or suggest a transfer unit having more than one frictional retaining unit such that each transfer unit could hold at least two dosage forms. For these reasons, Applicants request that the Examiner reconsider and withdraw his anticipation rejection of claims 1-5, 7, and 9-20 in view of De Vos.

The Examiner rejects claims 1-26 under the judicially created doctrine of obviousness-type double patenting over claims 1-6 in U.S. Patent No. 6,742,646. This application is related to the '646 Patent. The rejection can be overcome by filing a terminal disclaimer.

In the event that minor amendments will further prosecution, Applicants request that the Examiner contact the undersigned representative.

Respectfully submitted,

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